

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 7:14-cv-60-FL

NATASHA TORRES,)	
)	ORDER TO PRODUCE FOR
Plaintiff,)	<u>IN CAMERA</u> INSPECTION
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

This matter having come on for hearing pursuant to N.C.G.S. 7B-302(a1)(3) before the undersigned presiding United States District Court Judge and the Court being made aware of a request for Child Protective Services documents and any other documents regarding domestic violence in the Torres' home from the Onslow County Department of Social Services, the Court finds as follows:

1. The documents requested from the Onslow County Department of Social Services are discoverable in this proceeding.

2. The interests of justice require that the Onslow County Department of Social Services make available the following specific records to the court, for in camera review.

Notes/narratives of all interviews with Victor Torres.

Notes/narratives of all interviews with Natasha Torres.

Notes/narratives of all interviews with all witnesses of the domestic violence incident at issue.

All narratives and CPS Intake Reports.

All documents which describe the words and the actions of Victor Torres and/or Natasha Torres.

The minor child is not named in this Order to protect the child's privacy. The United States will serve via the mail, directly on Onslow County Attorney, Lesley Moxley, a copy of this Order and a subpoena which sets out the name of the minor child and the address at which the Torres' resided during the relevant time so that Onslow County DSS can locate the precise file at issue.

3. These records are to be made available, for in camera inspection, to the following:

Louise W. Flanagan
United States District Court Judge
United States Courthouse
413 Middle Street
New Bern, NC 28560

After in camera inspection, the court will release to the parties in the above captioned case all records described in paragraph 2, above, to the following counsel of record:

Sharon C. Wilson, AUSA, of the United States Attorney's Office for the Eastern District of North Carolina.

Clinton Jeff Warren, of Warren and Kallianos, of Charlotte, North Carolina.

4. All parties understand that prior to releasing said documentation the Onslow County Department of Social Services shall redact from said records any references to reporters of abuse, neglect or dependency, social security numbers and any Department of Social Services attorney/client privileged communication and/or work product.

5. All parties understand that these documents are being ordered to be released solely for the purpose of the proceeding named above and that said documentation, because of its confidential nature shall not be otherwise disseminated by the attorney(s) of record and all such records will be governed by the Consent Protective Order entered along with this Order.

THE COURT CONCLUDES that, pursuant to N.C.G.S. 7B-302, 7B-2901(b), and 10A NCAC 70A.0113, the requested information is confidential information and cannot be released except upon the order of a judge, including an Article III federal court judge, but concludes that said information is relevant to the proceeding described above and that the best interests of justice require that said information be released as described below.

THEREFORE IT IS ORDERED:

1. Heidi Baur, Director of Onslow Department of Social Services, through counsel, will cause to be filed under seal in the Electronic Case Filing system of the Federal District Court

for the Eastern District of North Carolina, in the above-captioned case, a copy of the documents listed above for in camera inspection.

2. Before filing said documents under seal, Onslow County Department of Social Services shall redact from said records any references to reporters of abuse, neglect or dependency, social security numbers, and any Department of Social Services attorney/client privileged communication and/or work product.

3. The information release by the court from the Onslow County DSS file will be used only for the purpose of the proceeding named above and that said released documents, because of their confidential nature, shall not be otherwise disseminated to anyone by the attorney(s) listed as receiving the documents, except that the attorney(s) for whom these documents are released may utilize said documents as set out in the Consent Protective Order entered along with this Order.

4. It shall be the responsibility of the party requesting said records to reimburse the cost of reproduction and labor or otherwise arrange for the reproduction to be completed.

As set out above, it is so ORDERED, this the 19th day of August, 2015.



LOUISE W. FLANAGAN
U.S. DISTRICT JUDGE